

MEMORANDUM

by: Dylan Conley
re: Nighttime Economy, Nuisance and Safety

In my time as Chairman, with the support of the Mayor's Administration, including the Licensing Administrator and her department, the Solicitor's office, the Providence Police Department Licensing Unit and the Public Safety Commissioner, as well as the Providence City Council, the Board of Licenses has made vast improvements to the Board's Processes.¹

The time has come for a serious discussion about policies that impact the day to day operation of licenses. We need to focus on what is happening on the ground, and I believe we can improve the Night Time economy while making it safer and less of a nuisance.

Thesis

There is nothing inherently wrong with nighttime economic activity itself, but there are safety and neighborly issues inherent to nighttime uses. These problems are solvable.

I. Considerations

1. Economics

- A. **Local Market**: As evidenced by the number of businesses seeking licenses to remain open until 2:00am, there is a strong market for nighttime entertainment. This implies a community demand for access to nighttime entertainment as well as a community opportunity to create jobs and drive our economy.
- B. **Regional and National Market**: An economic driver for the state of Rhode Island is conventions. Competition for conventions occurs at both a regional and national scale. To compete with Boston, New York, Las Vegas, New Orleans etc. we need a thriving world class night time economy to entice more conventions to come to Rhode Island and to entice those conventioneers to spend more money while they are here.

2. Quality of Life

A. Positive Impacts

- i. Simply put, everyone likes to live somewhere they can go out for a nice night with friends and family
- ii. A diverse and thriving entertainment industry is attractive to workers in the knowledge economy, particularly young professionals
- iii. People will find a way to "party" no matter what, we might as well make it safe and profitable

B. Negative Impacts

- i. Noise – music, people getting in and out of their cars, people loitering outside etc.
- ii. Safety – as they say, "nothing good happens after midnight" there are obvious additional safety concerns when considering the alcohol consumption inherent to the nighttime economy

II. Proposal

¹ Please find attached hereto excerpt from the Providence Board of Licenses 2017 Annual Report.

1. Closing Time – a great deal of the nuisances and safety issues are cause at closing time. Specifically, the timeline for last call and removing everyone from the premises is unrealistic and forces large crowds outside at the same time. To mitigate these issues, we need a three-pronged approach:
 - A. Loitering Liability – Make licensees wishing to have entertainment beyond 11:00pm on weeknights and 12:00pm on weekends responsible for their guests beyond the footprint of the establishment to the immediate periphery of the establishment.
 - B. Parking Liability – Make private parking facilities responsible for nuisance generated by their patrons.
 - C. Soft Closings – Allow establishments to remain open up to an hour after closing. During this time period people may order food, but no alcohol. No entertainment is allowed. The lights must be on.
 - i. This is absolutely critical because it prevents the mass exodus that causes the vast majority of the noise issues surrounding nighttime entertainment.
 - ii. This is also critical for safety because it is a means for the establishment to separate groups of patrons that are dysfunctional by maintain one group in the establishment for an extended period while forcing the other to leave. This prevents violent incidents.
 - D. Ride Share Valet – This is far a less critical idea, but it may be helpful. To the extent possible, require establishments making use of soft closings to have a staff member outside of the establishment to let patrons inside know when their ride is waiting for them outside, be it a Taxi, Uber, Lyft, Designated Driver etc. This may mitigate the occurrence of people loitering outside after closure.
2. Business Districts a/k/a PVD at Night – nighttime economy challenges are more complex when there is a high density of nighttime uses in the same area. It is impossible for the police department to manage closing time in every commercial district in the City at the same time every night.
 - A. Enterprise Fund: Wherever there is a certain density of licensees that operate past 12:00 on weekdays and 1:00 on weekends, that area falls within “PWD at Night” zone. That zone has some additional revenue (sales tax, parking meters, extra licensing fee, extra property tax, whatever blend works best for the business community) that is placed in an enterprise fund. This fund should be split into two subcategories:
 - i. Mandated funds to support personnel to walk around the districts, keep them clean and safe, and help manage closing time on weekend evenings.
 - ii. Optional additional funds may be collected and distributed as the contributors see fit
 - a. E.g. a reserve to advertise PVD at Night for the benefit of the contributing parties or public improvements contributors believe might benefit their businesses

3. **Night Club District** – The primary goal of the Night Club district is to seek a market solution that creates incentives for nightclubs to leave neighborhood locations and move to an isolated area to mitigate nuisance and concentrate them there to allow for a more focused public safety patrol and approach to night time economy challenges. In the process we could make Providence *the* night time economy destination for Boston and New York. This would benefit every restaurant and hotel in the Greater Providence area.

- A. **Location:** To my knowledge, the most isolated non-residential area of the city is Allen's Ave and Poe Street between Lehigh Street and Public Street. The main concern in that area is supporting the Working Waterfront, at present I do not see any reason why this proposal would negatively impact industrial uses in the area.
- B. **Safety:** A focused area is much easier to police than scattered licenses throughout an entire city. This should create a sort of economy of scale for safety precautions including management of common parking areas, density of video surveillance, limited exits from the area, limited access to residential zones.



C. **Zoning Regulations**

- i. No residential uses allowed
- ii. No hotel uses allowed
- iii. Remove all planning and zoning requirements except adherence to the building code
 - a. This approach is what makes the Las Vegas strip a constant rotation of demolition and new construction. Its great for the construction community and because of the locations isolation it does not risk negative externalities on residents
- iv. Allow for applications for adult entertainment
- v. Exempt from noise ordinance within the boundary of the district

D. Liquor etc.

- i. Allow for a bottle service license
- ii. Allow for hookah/smoking more generally without smoking bar requirements
- iii. Allow for 24-hour liquor service
- iv. Assuming they are able to come to an agreement with the working waterfront, perhaps Twin River would be interested in operating a Riverboat Casino
- v. Allow for 24-hour entertainment

E. Safety

- i. The additional revenues generated by this District should create an enterprise fund sufficient for a full-bodied public safety presence in the area.
- ii. By creating a market force that will pull night time economy uses from their present sporadic locations across the whole city to a focused area will make for more efficient police oversight of the night time uses and issues.

F. Eligibility

- i. Applications which include present licensees in good standing with the City with at least 51% controlling interest in the corporation applying for the license should get preferential treatment as the City can have some faith based on past experience and performance that the licensees will manage these additional benefits in a professional manner. Perhaps no unknown applicants for licensure for the first year.

Conclusion

We have an opportunity to grow our economy while mitigating neighborhood nuisances and expanding business opportunities in the City. Soft closings will make night time economy uses quieter and safer. Business Districts will use money generated by businesses to directly help and support the operation of their business. A Night Club district will be a regional economic driver that also acts as a market force that indirectly removes troublesome uses from inappropriate locations.